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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

QUESTION OF HUMAN RIGHTS IN CYPRUS

Letter dated 5 March 1991 from the Permanent Representative of Turkey to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

I have the honour to enclose herewith a letter dated 4 March 1991, addressed to you by His Excellency Kenan Atakol, Minister of Foreign Affairs and Defence of the Turkish Republic of Northern Cyrpus, with regard to the question of human rights in Cyprus.

I should be grateful to you if my letter and its enclosure were circulated as a document of the Commission on Human Rights under agenda item 12 (a).

(Signed) Cem Duna
Ambassador

Permanent Representative of
Turkey to the United Nations
Office at Geneva

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I have the honour to refer to the statement made to the Commission on Human Rights by Mr. Vanies Markides, the Greek Cypriot representative, during the forty-seventh session on 21 February 1991, under agenda item 12 (a) on the question of human rights in Cyprus, and to request Your Excellency to permit me, on behalf of the Turkish Cypriot side, to put forth our comments for the information of the distinguished members of the Commission.

The Greek Cypriot side's view of the Cyprus problem is that it started in 1974 with the so-called "invasion and occupation" of part of the island by Turkey which, it is alleged, resulted in the forceful displacement of part of the Greek Cypriot population, which is characterized as the violation of their human rights.

This is an incorrect presentation, reflecting a deliberate confusion between cause and effect, which needs to be explained.

The root cause of the problem of Cyprus, as is well known and documented in United Nations records, was the deliberate and persistent violation of the fundamental human rights of the Turkish Cypriot people of the island which commenced, according to a prearranged plan (Akritas plan), on 21 December 1963 when the Greek Cypriots took up arms against the Turkish Cypriots all over the island, in order to force them to accept amendments to the Constitution of the Republic of Cyrpus, which would do away with the entrenched special rights of the Turkish Cypriot people. Under the original Constitution, which was the result of the Treaty of Establishment signed in 1960 on behalf of the five parties concerned (the departing colonial power (United Kingdom), Turkey, Greece, the Turkish Cypriot community and the Greek Cypriot community), the human rights of both communities or peoples of the island were properly provided for and adequately protected. In addition to these individual rights, the Constitution provided for the political equality of the two co-founder communities and safeguarded their rights as distinct corporate political entities. The foundation of the State and legitimacy of its bi-communal Government rested on this concept of power-sharing between the two separate political entities, whose right of self-determination was recognized.

It is this political balance which was targeted by the Greek Cypriot side's armed attacks on 21 December. The intention was to reduce the political status of the co-founder partner, the Turkish Cypriot community, to that of a minority within a Greek Cyprus.

Mr. Glafcos Clerides, the veteran Greek Cypriot politican, in the third volume of his recent book (Cyprus: My Deposition, p. 237) openly acknowledges this and says: "The Turkish Cypriot preoccupation was to defeat any such effort and to maintain the partnership concept ... . The conflict, therefore, was a conflict of principles and for that principle both sides were prepared to go on arguing and even, if need be, to fight, rather than compromise."

It is this attempt, in 1963, to change, by force of arms, the valid Constitution of the Republic of Cyprus which led to inter-communal fighting which, in turn, resulted in the physical separation of the two communities, the natural consequence of which was the setting up by the Turkish Cypriot people of its own separate administration in areas inhabited and controlled by

it. Having been ousted by force from the partnership State, the Turkish Cypriot people, in exercise of its inherent right of self-determination, set up its own administration.

Despite the dispatch, in 1964, of a strong United Nations peace-keeping force to the island and the persistent good offices efforts of the Secretary-General of the United Nations since then, the Cyprus problem remains unresolved due to the Greek Cypriot side's continual refusal to agree to the restoration of equal political, co-founder partner status for the Turkish Cypriot people.

The period of 21 December 1963 to 20 July 1974 will remain marked indelibly as the "dark period" in the history of Cyprus as regards the violation of the fundamental human rights of the Turkish Cypriots by the Greek Cypriots. This period, when the Greek Cypriots usurped the powers of the State and its full internal and external resources, witnessed unprecedented cruelty and violence against the Turkish Cypriot people, a quarter of whom became homeless refugees, with hundreds killed or abducted or subjected to enforced disappearance and still missing and unaccounted for. During that period, the Turkish Cypriot people were cut off completely from the State budget. All forms of communication amongst the Turkish Cypriot enclaves, spread all over the island, were severed. All trade was banned. Importation into the enclaves was subject to torturous searches; even blood and other specimens taken for laboratory analysis in other enclaves were subjected to physical check. Cement, bricks and similar material for everyday use were prohibited outright as strategic material. In short, a war of attrition was waged against the Turkish Cypriots for most of the period from 1963 to 1974.

The regular reports of the Secretary-General to the Security Council during that "dark period" bear testimony to the tragic suffering of the Turkish Cypriot people whose most basic rights were denied irrespective of article 2 of the Universal Declaration of Human Rights which was in force then and provided that:

> "Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional, or international status of the country or territory to which a person belongs, whether it be independent trust, non-self-governing or under any other limitation of sovereignty."

In his book The Way the Wind Blows (p. 242), the former British Prime Minister Sir Alec Douglas-Home characterized that "dark period" with the following prophetic observation: "I was early convinced of the view that unless Archbishop Makarios could bring himself to treat the Turkish Cypriots as human beings, he was inviting the invasion and partition of the island".

The ill-treatment of the Turkish Cypriots seems to have been motivated by more than the goal of achieving political domination over them. There appeared to exist a more sinister emotive force calling for the eradication, in one way or another, of the whole Turkish ethnic presence from the island. It was that blind force that led Makarios to utter the following ominous

warning during a public speech at Panagia village in Cyprus on 4 September 1962. As then reported in the Greek Cypriot press, he had said: "Until this small Turkish community, forming part of the Turkish race, which has been the terrible enemy of Hellenism, is expelled from the island, the duty of the heroes of EOKA can never be considered as terminated."

And let it also be noted that the year 1962, when the Archbishop spoke those terrible words, was a supposedly "normal" year from the point of view of inter-communal relations in Cyprus and Makarios was the President of the bi-communal partnership-Republic!

Even today, more than 28 years later and at a time when the Greek Cypriot side, for good propaganda, professes to desire good relations with the Turkish Cypriot people, warnings in the same vein continue to be voiced by Greek Cypriot leaders. For instance, General Neofitides, the second in command of the heavily armed Greek Cypriot National Guard, was reported in the Greek daily Simerini of 12 September 1990 to have made the following threat when addressing those present, including officers, on the occasion of the ceremony when he took over his new command: "We shall take our revenge from the Turks, who are the only and eternal enemy of the Greek race".

The invasion of Cyprus by Greece on 15 July 1974, simultaneous with the coup perpetrated on that day by Greece together with her collaborators on the island, led by gunman Sampson, was reported by Makarios personally to the Security Council on 19 July 1974 in the following words:

> "Greece has violated the independence of Cyprus ... The coup is not an internal matter of the Greek Cypriots. No internal revolution took place ... It is clearly an invasion from outside, in flagrant violation of the independence and sovereignty of the Republic of Cyprus ... I am afraid that the number of casualties is large and that the material destruction is heavy. The Turks of Cyprus are also affected. The coup is an invasion, and from its consequences the whole people of Cyprus suffers, both Greeks and Turks."

It was on 20 July 1974, with the intervention of Turkey, acting within her rights and obligations under section 4 of the 1960 Treaty of Guarantee, that the Greek invasion was thwarted. The independence of Cyprus and the very lives of the Turkish Cypriot people were saved and subsequently secured, following the population exchange agreement signed in Vienna on 31 July 1975 by which the new bi-zonal, geographic arrangement on the island came about.

It is against the background described above that the human rights situation in Cyprus should be seen. It is against that background that the human rights of the so-called Greek Cypriot refugees, all of whom have in the meantime been rehoused, rehabilitated, and now enjoy an income of around $US 9,000 per capita thanks to the inflow of generous external aid, practically all of which flows to the Greek Cypriot side, should be compared with the most basic human right of the Turkish Cypriots, i.e. their right to life, to live in peace and freedom without any fear for their lives. No argument can justify, nor is it possible for the Turkish Cypriots to allow this precious human right of theirs to be placed in jeopardy again.

The economic and other practical negative effects on Greek Cypriots as well as Turkish Cypriots who were affected by the 1975 population exchange agreement, can only be taken up and solved, in a pragmatic way, within the framework of the overall political settlement. Security Council resolution 649 of 12 March 1990, which has underlined the political equality of the two peoples of the island, provides the proper framework for the two sides to pursue their efforts to reach freely a mutually acceptable solution.

However, there remains the continued breach of the human rights of the Turkish Cypriot people due to the restrictions imposed on its economic and other relations with the outside world by the Greek Cypriot Administration of Southern Cyprus through the illegitimate use of its usurped State powers. Such restrictions which relate, inter alia, to travel, trade, tourism, communication, transport and even sports activity, continue to affect adversely the daily lives of Turkish Cypriots and hence constitute a serious breach of their fundamental human rights as enshrined in the Universal Declaration of Human Rights and other relevant instruments.

We, therefore, wish to appeal to the Commission on Human Rights to address this very serious problem and prevail over the Greek Cypriot Administration of Southern Cyprus to put an end to all the discriminatory practices.

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